

**City of Carson City  
Agenda Report**

**Date Submitted:** May 6, 2011

**Agenda Date Requested:** May 19, 2011  
**Time Requested:** Consent

**To:** Mayor and Supervisors

**From:** Purchasing & Contracts and Max Cortes, Court Administrator

**Subject Title:** Action to amend Contract No. 0809-195 Conflict Counsel Attorney Services provided by the consortium of Kay Ellen Armstrong, Thomas R. Armstrong, and Robert B. Walker by removing Thomas R. Armstrong from the consortium and adding Noel S. Waters as a provider under the consortium. *(Kim Belt)*

**Staff Summary:** On April 21, 2011, Thomas R. Armstrong accepted appointment by the Board of Supervisors as Justice of the Peace/Municipal Court Judge. Judge Armstrong began his appointment on May 2, 2011. Noel S. Waters has accepted being added to the consortium and existing Contract No. 0809-195 for Conflict Counsel Attorney Services.

**Type of Action Requested:** (check one)

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

**Does This Action Require A Business Impact Statement:**  Yes  No

**Recommended Board Action:** I move to amend Contract No. 0809-195 Conflict Counsel Attorney Services provided by the consortium of Kay Ellen Armstrong, Thomas R. Armstrong and Robert B. Walker by removing Thomas R. Armstrong from the consortium and adding Noel S. Waters as a provider under the consortium. *(Kim Belt)*

**Explanation for Recommended Board Action:** The District and Justice Courts held a discussion with Kay Ellen Armstrong and Robert B. Walker for the possibility of absorbing Thomas R. Armstrong's caseload. Both attorneys stated that they would not be able to absorb the caseload. For the past four years, the Conflict Counsel consortium has consisted of three attorneys. Letters of Interest for the conflict counsel contract were sought by publication in the Nevada Appeal and on the Carson City's website. Four letters of interest were received and considered by the District Court Judges, Justice/Municipal Court Judges and the Juvenile Special Master. After careful deliberation, Noel S. Waters was selected for the consortium.

**NRS 332.115 Contracts not adapted to award by competitive bidding; purchase of equipment by local law enforcement agency, response agency or other local governmental agency; purchase of goods commonly used by hospital.**

1. Contracts which by their nature are not adapted to award by competitive bidding, including contracts for:

(b) Professional services;  
are not subject to the requirements of this chapter for competitive bidding, as determined by the governing body or its authorized representative.

(Added to NRS by 1975, 1538; A 1987, 296, 1484; 1991, 337, 349, 648, 1934, 1935; 1997, 132; 1999, 889, 1684; 2001, 1317; 2003, 620, 2262; 2005, 226, 2554)


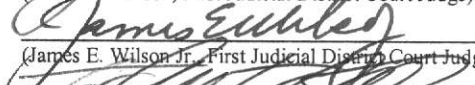
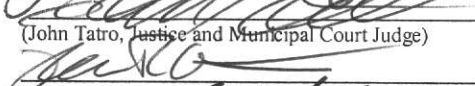
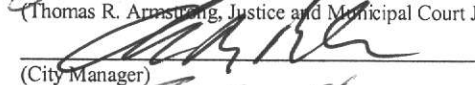



**Applicable Statue, Code, Policy, Rule or Regulation:** NRS 332.115 subsection 1 (b)

**Fiscal Impact:** n/a

**Funding Source:** General Fund

**Supporting Material:** Amendment to Contract 0809-195 and Executed Contract 0809-195.

**Prepared By:** Max Cortes, Court Administrator  
Kim Belt, Purchasing & Contracts Coordinator

<b>Reviewed By:</b> <u></u>	Date: <u>5/9/11</u>
(James F. Russell, First Judicial District Court Judge)	
<u></u>	Date: <u>5/9/11</u>
(James E. Wilson Jr., First Judicial District Court Judge)	
<u></u>	Date: <u>5/9/11</u>
(John Tatro, Justice and Municipal Court Judge)	
<u></u>	Date: <u>5/9/11</u>
(Thomas R. Armstrong, Justice and Municipal Court Judge)	
<u></u>	Date: <u>5-10-11</u>
(City Manager)	
<u></u>	Date: <u>5/10/11</u>
(District Attorney)	
<u></u>	Date: <u>5/10/11</u>
(Finance Director)	

**Board Action Taken:**

Motion: \_\_\_\_\_ 1) \_\_\_\_\_ Aye/Nay  
2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

**CONTRACT FOR SERVICES OF INDEPENDENT CONTRACTOR  
AMENDMENT No. 2  
Contract No. 0809-195**

**THIS AMENDMENT**, made and entered into this 19th day of May, 2011, by and between the City and County of Carson City, a political subdivision of the State of Nevada, hereinafter referred to as the "**CITY**", and the consortium of Kay Ellen Armstrong, Thomas R. Armstrong, and Robert B. Walker, qualified and professional attorneys, licensed in the State of Nevada, hereinafter referred to as the "**CONTRACTOR**".

**WITNESSETH:**

**WHEREAS**, the **CITY** desires to amend sub-sections of Sections 3.1.1. of the original contract to include that which is contained herein; and

**WHEREAS**, it is deemed that said amendment is both necessary and in the best interests of the **CITY**.

**NOW, THEREFORE**, in consideration of the aforesaid, the parties agree as follow:

This Amendment shall not become effective until and unless approved by the Carson City Board of Supervisors.

1. Amend Paragraphs 3.1.1 of CONTRACT Notice as follows:

**Notice to CONTRACTOR shall be addressed to:**

Kay Ellen Armstrong  
415 West Second Street  
Carson City, NV 89703  
775-883-3990 / FAX #775-882-8854  
[klnatty@pyramid.net](mailto:klnatty@pyramid.net)

Robert B. Walker  
415 West Second Street  
Carson City, NV 89703-4231  
775-882-8851 / FAX #775-882-8854  
[benwalkeratty@aol.com](mailto:benwalkeratty@aol.com)

Noel S. Waters  
1772 Ridgeway Ct.  
Carson City, NV 89706  
775-230-3973  
[noelwaters@gmail.com](mailto:noelwaters@gmail.com)

IT IS ALSO AGREED, that all unaffected conditions, requirements, and restrictions of the Original contract document remain in full force and effect for the duration of the Contract term.

**CONTRACT FOR SERVICES OF INDEPENDENT CONTRACTOR  
AMENDMENT No. 2  
Contract No. 0809-195**

**ACKNOWLEDGMENT AND EXECUTION:**

In witness whereof, the parties hereto have caused this Contract to be signed and intend to be legally bound thereby.

**CARSON CITY**

Finance Department  
Attn: Kim Belt, Purchasing & Contracts  
Manager  
201 North Carson Street Suite 3  
Carson City, Nevada 89701  
Telephone: 77283-7362  
Fax: 775-887-2107  
[KBelt@carson.org](mailto:KBelt@carson.org)

By:   
Kim Belt

DATED this 10 day of May, 2011.

**CITY'S LEGAL COUNSEL**

Neil A. Rombardo, District Attorney


I have reviewed this Contract and approve  
as to its legal form.

By:   
Deputy District Attorney

DATED this 10<sup>th</sup> day of May, 2011.

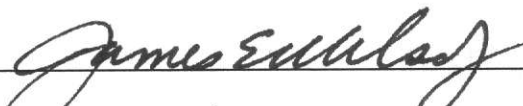
**CITY'S ORIGINATING DEPARTMENT**

**BY:** James T. Russell, District Court Judge  
First Judicial District Court, Dept. I  
885 East Musser Street, Suite 3061  
Carson City, NV 89701  
Telephone: 775-882-1996  
Fax: 775-887-2272  
[JRussell@carson.org](mailto:JRussell@carson.org)

  
DATED this 10 day of May, 2011.

**CITY'S ORIGINATING DEPARTMENT**


**BY:** James E. Wilson Jr. District Court  
Judge First Judicial District Court, Dept. II  
885 East Musser Street, Suite 3057  
Carson City, NV 89701  
Telephone: 775-882-1619  
Fax: 775-887-2296  
[JWilson@carson.org](mailto:JWilson@carson.org)

  
DATED this 10 day of May, 2011.

**CONTRACT FOR SERVICES OF INDEPENDENT CONTRACTOR  
AMENDMENT No. 2  
Contract No. 0809-195**

**CITY'S ORIGINATING DEPARTMENT**

**BY:** Thomas R. Armstrong, Judge  
Justice and Municipal Court, Dept. I  
885 East Musser Street, Suite 2069  
Carson City, NV 89701  
Telephone: 775-887-2121  
Fax: 775-887-2351  
[TArmstrong@carson.org](mailto:TArmstrong@carson.org)



DATED this 10 day of May, 2011.

**CITY'S ORIGINATING DEPARTMENT**

**BY:** John Tatro, Judge  
Justice and Municipal Court, Dept. II  
885 East Musser Street, Suite 2069  
Carson City, NV 89701  
Telephone: 775-887-2378  
Fax: 775-887-2351  
[JTatro@ci.carson-city.nv.us](mailto:JTatro@ci.carson-city.nv.us)



DATED this 10<sup>th</sup> day of May, 2011.

**CONTRACT FOR SERVICES OF INDEPENDENT CONTRACTOR  
AMENDMENT No. 2  
Contract No. 0809-195**

Noel S. Waters being first duly sworn, deposes and says: That he is the **CONTRACTOR**; that he has read the foregoing Contract; and that she understands the terms, conditions, and requirements thereof.

**CONTRACTOR**  
**BY:** Noel S. Waters  
**BUSINESS LICENSE #:**  
**Address:** 1772 Ridgeway Ct.  
**City:** Carson City **State:** NV **Zip Code:** 89706  
**Telephone:** 775-230-3973  
**E-mail Address:** noelwaters@gmail.com

Noel S. Waters  
\_\_\_\_\_  
(Signature of **CONTRACTOR**)

DATED this 11<sup>th</sup> day of May, 2011.

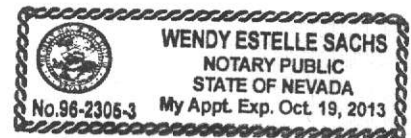
STATE OF Nevada )  
County of Carson City ) ss

On this 11<sup>th</sup> day of May, in the year 2011, before me, Wendy Sachs / Notary Public, personally appeared Noel S. Waters, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he executed it.

WITNESS my hand and official seal.

Wendy Estelle Sachs  
\_\_\_\_\_  
Notary's Signature

L.S.

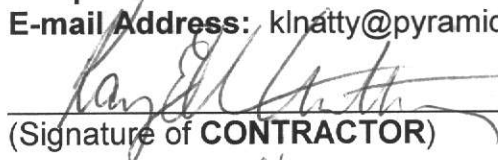


My Commission Expires: October 19, 2013

**CONTRACT FOR SERVICES OF INDEPENDENT CONTRACTOR  
AMENDMENT No. 2  
Contract No. 0809-195**

Kay Ellen Armstrong being first duly sworn, deposes and says: That she is the **CONTRACTOR**; that she has read the foregoing Contract; and that she understands the terms, conditions, and requirements thereof.

**CONTRACTOR**  
**BY:** Kay Ellen Armstrong  
**BUSINESS LICENSE #:** 09-00005324  
**Address:** 415 West Second Street  
**City:** Carson City **State:** NV **Zip Code:** 89703  
**Telephone:** 775-883-3990/ **Fax #:** 775-882-8854  
**E-mail Address:** klnatty@pyramid.net

  
\_\_\_\_\_  
(Signature of **CONTRACTOR**)

DATED this 10<sup>th</sup> day of May, 2011.

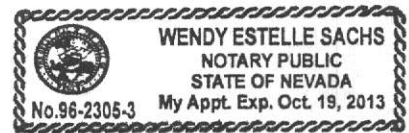
STATE OF Nevada )  
County of Carson City ) ss

On this 10<sup>th</sup> day of May, in the year 2011, before me, Wendy Sachs / Notary Public, personally appeared Kay Ellen Armstrong, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he executed it.

WITNESS my hand and official seal.

Wendy Estelle Sachs  
Notary's Signature

L.S.




My Commission Expires: October 19, 2013

**CONTRACT FOR SERVICES OF INDEPENDENT CONTRACTOR  
AMENDMENT No. 2  
Contract No. 0809-195**

Thomas R. Armstrong being first duly sworn, deposes and says: That he is the **CONTRACTOR**; that he has read the foregoing Contract; and that he understands the terms, conditions, and requirements thereof.

**CONTRACTOR**  
**BY:** Thomas Armstrong  
**BUSINESS LICENSE #:** 09-00027020  
**Address:** 209 N. Pratt  
**City:** Carson City **State:** NV **Zip Code:** 1  
**Telephone:** 775-560-7705  
**E-mail Address:** Tarmstrong@armstrong-law.net

  
\_\_\_\_\_  
(Signature of **CONTRACTOR**)

DATED this 11 day of May, 2011.

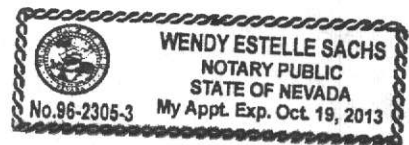
STATE OF Nevada )  
County of Carson City ) **ss**

On this 11<sup>th</sup> day of May, in the year 2011, before me, Wendy Sachs / Notary Public, personally appeared Thomas R. Armstrong, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he executed it.

WITNESS my hand and official seal.

Wendy Estelle Sachs  
Notary's Signature

L.S.



My Commission Expires: October 19, 2013



**CONTRACT FOR SERVICES OF INDEPENDENT CONTRACTOR  
AMENDMENT No. 2  
Contract No. 0809-195**

Robert B. Walker being first duly sworn, deposes and says: That he is the **CONTRACTOR**; that he has read the foregoing Contract; and that he understands the terms, conditions, and requirements thereof.

**CONTRACTOR**  
**BY:** Robert B. Walker  
**BUSINESS LICENSE #:** 09-00001123  
**Address:** 415 West Second Street  
**City:** Carson City **State:** NV **Zip Code:** 89703-8854  
**Telephone:** 775-883-3990/ **Fax #:** 775-882-8854  
**E-mail Address:** benwalkeratt<sup>y</sup>@aol.com

Robert B. Walker  
(Signature of **CONTRACTOR**)

DATED this 10<sup>TH</sup> day of May, 2011.

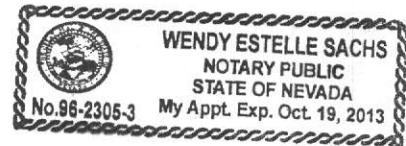
STATE OF Nevada )  
County of Carson City ) ss

On this 10<sup>th</sup> day of May, in the year 2011, before me, Wendy Sachs / Notary Public, personally appeared Robert B. Walker, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he executed it.

WITNESS my hand and official seal.

Wendy Estelle Sachs  
Notary's Signature

L.S.



My Commission Expires: October 19, 2013

**CONTRACT FOR SERVICES OF INDEPENDENT CONTRACTOR  
AMENDMENT No. 2  
Contract No. 0809-195**

**CONTRACT ACCEPTANCE AND EXECUTION:**

The Board of Supervisors for Carson City, Nevada at their publicly noticed meeting of May 19, 2011 approved Amendment No. 2 for **CONTRACT No. 0809-195**. Further, the Board of Supervisors authorizes the Mayor of Carson City, Nevada to set his hand to this document and record his signature for the execution of this contract in accordance with the action taken.

**CARSON CITY, NEVADA**

\_\_\_\_\_  
ROBERT L. CROWELL, MAYOR

DATED this \_\_\_\_ day of May, 2011.

**ATTEST:**

\_\_\_\_\_  
ALAN GLOVER, CLERK-RECORDER

DATED this \_\_\_\_ day of May, 2011.